

JS - 6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

YASIR MEHMOOD, )  
Petitioner, ) No. EDCV 13-1947 JGB(AJW)  
v. )  
UNKNOWN, ) MEMORANDUM AND ORDER  
Respondent. ) TRANSFERRING PETITION

---

Petitioner, a federal pretrial detainee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on March 5, 2008. Petitioner currently is incarcerated at the Sacramento County Main Jail, in Sacramento County, California. [Petition at 4]. Sacramento County is located in the Eastern District of California. 28 U.S.C. § 84(b).

A writ of habeas corpus may be granted by the district courts "within their respective jurisdictions." 28 U.S.C. § 2241(a). The court issuing the writ must have personal jurisdiction over the custodian. Braden v. 30th Judicial Cir. Ct. of Kentucky, 410 U.S. 484, 495 (1973); Malone v. Calderon, 165 F.3d 1234, 1237 (9th Cir. 1999).

A federal prisoner's section 2241 habeas petition challenging his or

1 her present physical custody within the United States must name as  
2 respondent his or her "immediate custodian," that is, the warden of  
3 the facility where the prisoner currently is confined, and must be  
4 filed in the district of confinement. Rumsfeld v. Padilla, 542 U.S.  
5 426, 442, 447 (2004).<sup>1</sup> See also Braden, 410 U.S. at 494-499;  
6 Brittingham v. United States, 982 F.2d 378, 379 (9th Cir. 1992).

7 Where, as here, the district court lacks jurisdiction with  
8 respect to a petition brought under section 2241, the court may  
9 transfer the petition to any other court "in which the action could  
10 have been brought 'if it is in the interest of justice.'" Miller v.  
11 Hambrick, 905 F.2d 259, 262 (9th Cir. 1990)(quoting 28 U.S.C. § 1631).  
12 Transferring the action to the Eastern District of California is  
13 appropriate, because the petition could have been brought in that  
14 court. See Miller, 905 F.2d at 262; Goldlawr, Inc. v. Heiman, 369 U.S.  
15 463, 467 (1962). Accordingly, this action is transferred to the United  
16 States District Court for the Eastern District of California.

17 **It is so ordered.**

18  
19 Dated: November 22, 2013



20  
21 \_\_\_\_\_  
22 Jesus G. Bernal  
23 United States District Judge  
24  
25  
26  
27  
28

---

1 Petitioner also has failed to name a proper respondent.